

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KATIE ESTES,

Defendant.

**CIVIL ACTION NO.: 2:24-CV-11
(JUDGE KLEECH)**

**REPORT AND RECOMMENDATION, RECOMMENDING THAT THE
GOVERNMENT’S MOTION FOR DEFAULT JUDGMENT [ECF NO. 6] BE DENIED
AS MOOT AND THE CONSENT JUDGMENT ORDER [ECF NO. 12]
BE ACCEPTED AND ENTERED**

This matter is before the undersigned Magistrate Judge pursuant to a Referral Order [ECF No. 7] entered by the Hon. Thomas S. Kleeh, Chief United States District Judge, on October 16, 2024. Presently pending before the Court is the Government’s Motion for Default Judgment [ECF No. 6], filed on October 16, 2024.

The undersigned convened a Motion Hearing, by videoconference, on November 7, 2024, at which appeared counsel for the Government, Morgan McKee, and *pro se* Defendant Katie Estes. Counsel for the Government indicated that the parties have entered into an agreement pursuant to the Consent Judgment Order [ECF No. 12] filed on November 7, 2024. The undersigned asked *pro se* Defendant if she understood the terms of the agreement and the consequences if the agreement is not adhered to. *Pro se* Defendant stated on the record that she understood and signed the agreement indicating the same. From the foregoing, the undersigned determined that *pro se* Defendant knowingly and voluntarily entered into the agreement.

Accordingly, based upon the parties' representations, the undersigned **RECOMMENDS** that the Government's Motion for Default Judgment [ECF No. 6] be **DENIED as moot** and the Consent Judgment Order and the Installment Payment Agreement attached thereto [ECF No. 12] be **ACCEPTED** and **ENTERED**.

Any party shall have fourteen (14) days from the date of service of this Report and Recommendation to file with the Clerk of the Court **specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection**. A copy of such objections should also be submitted to the presiding United States District Judge. Objections shall not exceed ten (10) typewritten pages or twenty (20) handwritten pages, including exhibits, unless accompanied by a motion for leave to exceed the page limitations, consistent with LR PL P 12.

Failure to timely file written objections to the Report and Recommendation as set forth above shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals. *Snyder v. Ridenour*, 889 F.2d 1363 (4th Cir. 1989); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

The Clerk of the Court is **DIRECTED** to provide a copy of this Report and Recommendation to all parties who appear *pro se* by certified mail, return receipt requested, to the last known addresses as shown on the docket, and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

Respectfully submitted on November 7, 2024.

A handwritten signature in black ink, appearing to read "Michael John Aloi", written over a horizontal line.

MICHAEL JOHN ALOI
UNITED STATES MAGISTRATE JUDGE